



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1679

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Ms Martina Phiri  
Eskom Holdings SOC Ltd  
P O Box 1091  
JOHANNESBURG  
2000

Tel: (011) 800 3550  
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### **PER E-MAIL / MAIL**

Dear Ms Phiri

### **ENVIRONMENTAL AUTHORISATION FOR ESKOM JUNO-GROMIS 400kV TRANSMISSION LINE DEVIATION IN THE KAMIESBERG LOCAL MUNICIPALITY IN THE NORTHERN CAPE AND MATZIKAMA LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

By hand: Environment House  
473 Steve Biko Road,  
Arcadia,  
Pretoria, or

M.S

By post: Private Bag X447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director, Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 09/05/2017

CC:	Ms Munyadziwa Rikhotso	Nsovo Environmental Consulting	Tel: 011 041 3689	Email: <a href="mailto:munyadzi@nsovo.co.za">munyadzi@nsovo.co.za</a>
	Ms Taryn Dreyer	WC DEADP	Tel: 021 483 4094	Email: <a href="mailto:taryn.dreyer@westerncape.gov.za">taryn.dreyer@westerncape.gov.za</a>
	Mr W Mothibi	NCDALRRD	Tel: 053 838 9100	Email: <a href="mailto:fortunec@ncpg.gov.za">fortunec@ncpg.gov.za</a>

M.S



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

Eskom Juno-Gromis 400kV transmission line deviation in the Kamiesberg Local Municipality in the Northern Cape and Matzikama Local Municipality in the Western Cape Province

Namakwa & West Coast District Municipalities

<b>Authorisation register number:</b>	14/12/16/3/3/1/1679
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	ESKOM HOLDINGS SOC LTD
<b>Location of activity:</b>	NORTHERN AND WESTERN CAPE PROVINCES: Within: Within Kamiesberg Local Municipality and Matzikama Local Municipality

This environmental authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.



## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2014.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

### ESKOM HOLDINGS SOC LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Ms Martina Phiri  
Eskom Holdings SOC Ltd  
P O Box 1091  
**JOHANNESBURG**  
2000

Tel: (011) 800 3550  
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E-mail: phirim@eskom.co.za

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 12:</u></p> <p>The development of- (xii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs- (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</p>	<p>Given the length of the proposed power line, some of the towers/structures will be located within 32 meters of a watercourse. The footprint of the proposed pylons is expected to be more than 100m<sup>2</sup>.</p>
<p><u>GN R. 983 Item 19:</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging of, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from –</p> <p>(i) a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving –</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p>	<p>The proposed development will entail construction of certain towers within or in closed proximity to watercourses and infilling will be required.</p>
<p><u>GN R. 983 Item 24 (ii):</u></p> <p>The development of – (ii) a road with a reserve wider than 13,5 metres, or where no reserves exists where the road is wider than 8 metres; but excluding – (b) roads where the entire road falls within an urban area.</p>	<p>The proposed development would require the construction of access roads that would be used during both construction and operation phases of the proposed project.</p>
<p><u>GN R. 985 Item 14 (xii) (a) (ii) (hh):</u></p> <p>The development of infrastructure or structures with a physical footprint of 10 square meters or more outside an urban area, where such development occurs (a) within a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour. In Western Cape:</p>	<p>Proposed deviation will encroach on identified CBA, both terrestrial and aquatic in the Northern and Western Cape provinces.</p>



Listed activities	Activity/Project description
<p>ff) Critical Biodiversity Areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or bioregional plans.</p> <p>hh) areas within 10km from national parks or world heritage sites or any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserves.</p>	
<p><u>GN R. 985 Item 4 (a) (ii) (aa) (ee):</u></p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres. a) In the Northern Cape</p> <p>(ii) Outside urban areas, i</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</p> <p>f) In Western Cape:</p> <p>Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p>	<p>The proposed development would require the construction of access roads that would be used during both construction and operation phases.</p>

as described in the Basic Assessment Report (BAR) dated January 2017 at:

FARM NAME	PORTION NUMBER	SG CODE
<b>Properties within Kamiesberg Local Municipality, Ward 2</b>		
De Klipheuveld 435	11	C05300000000043500011
Groen Riviers Valley 504	6	C05300000000050400006
Groen Riviers Valley 504	7	C05300000000050400007
Sabies 505	1	C05300000000050500001
Sabies 505	2	C05300000000050500002
Hawerland 503	1	C05300000000054300001
Groen Riviers Valley 504	2	C05300000000050400002
Branddduin 543	2	C05300000000054300002
Branddduin 543	3	C05300000000054300003
Soutkraal 437	1	C05300000000043700001
Sabies 505	6	C05300000000050500006
Rondabel 542	1	C05300000000054200001



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Klein Kogel Fontein 561	RE	C05300000000056100000
<b>Properties within Matzikama Local Municipality, Ward 8</b>		
Karoovlei 454	Not Available	C07800000000045400000
Farm 502	Not Available	C07800000000050200000
Karoetjies Kop 150	Not Available	C07800000000015000000
Komkans 141	2	C07800000000014100002
Komkans 141	3	C07800000000014100003
Komkans 141	4	C07800000000014100004
Komkans 141	20	C07800000000014100020
Houtkraal 143	5	C07800000000014300005
Klein Kogel Fontein 148	1	C07800000000014800001
Klein Kogel Fontein 148	8	C07800000000014800008
Erf. No. 630	Not Applicable	C07800000000063000000
Erf. No. 631	Not Applicable	C07800000000063100000
Erf. No. 632	Not Applicable	C07800000000063200000
Erf. No. 633	Not Applicable	C07800000000063300000
Erf. No. 1343	Not Applicable	C07800000000134300000

<b>Deviation 1 (Landing strip)</b>	<b>Latitude</b>	<b>Longitude</b>
Starting point of activity	31°28'43.813"S	18°19'06.517"E
Middle point of activity	31°30'48.427"S	18°23'13.539"E
End point of activity	31°33'51.089"S	18°25'48.452"E
<b>DEVIATION 2 (Tronox mine)</b>	<b>Latitude</b>	<b>Longitude</b>
Starting point of activity	31°12'13.231"S	17°56'29.185"E
Middle point of activity	31°13'48.09"S	18°01'16.591"E
End point of activity	31°16'08.01"S	18°05'34.604"E
<b>DEVIATION 3 (Kamiesberg mine)</b>		
Starting point of activity	30°37'12.91"S	17°38'59.97"E
Middle point of activity	30°42'13.673"S	17°44'12.202"E
End point of activity	30°48'18.501"S	17°45'43.431"E

- for the construction of Eskom Juno-Gromis 400kV transmission line deviation in the Kamiesberg Local Municipality in the Northern Cape and Matzikama Local Municipality in the Western Cape Province., hereafter referred to as "the property".

The proposed development is for the deviation of the authorised 400kV Juno-Gromis Transmission Line and 4 metres wide access road as follows:

- Landing strip in Lutzville which will result in a deviation of approximately 4.1km;
- Tronox Mine Namakwa Sands which will result in a deviation of approximately 3km; and
- A new mine in Kamiesberg which will result in a deviation of approximately 7.2km.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The Eskom Juno-Gromis 400kV Transmission Line deviation Alternative 1 is approved as per the geographic coordinates cited in the table reflected on page 5 above.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (5) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the



authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

#### **Commencement of the activity**

12. The authorised activity must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you must not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

13. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

### **Frequency and process of updating the EMPr**

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
17. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

### **Monitoring**

19. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
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- 19.1. The ECO must be appointed before commencement of any authorised activities.
- 19.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
- 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 19.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

#### **Recording and reporting to the Department**

20. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
23. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
24. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
25. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Notification to authorities**

26. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

#### **Operation of the activity**

27. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

#### **Site closure and decommissioning**

28. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

29. Anti-collision devices such as bird flappers must be installed where powerlines cross avifaunal corridors, as recommended by the Ecological Specialist. The input of an Avifaunal Specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
30. A botanist must be appointed to perform a final walkthrough of the alignment to identify sensitive plant species, and assist in identifying the areas that require protection.
31. Search and rescue of all identified species of conservation concern that will be disturbed must be undertaken prior construction.
32. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
33. The holder of the authorisation is required to inform relevant Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
34. Any archaeological material (e.g. fossils, bones, artefacts etc.) is found during excavation; the contractor must stop work immediately and inform the Construction Manager.



35. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.

**General**

36. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 36.1. at the site of the authorised activity;
  - 36.2. to anyone on request; and
  - 36.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
37. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 09/05/2017

  
**Mr Sabelo Malaza**  
**Chief Director, Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated January 2017;
- b) The comments received from relevant stakeholders and interested and affected parties as in the BAR dated January 2017;
- c) Mitigation measures as proposed in the BAR dated January 2017 and the EMP;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The proposed project aims to enhance the supply to the Western Cape, which has been plagued by outages.
- c) The BAR dated January 2017 identified all legislation and guidelines that have been considered in the preparation of the BAR dated January 2017.
- d) The methodology used in assessing the potential impacts identified in the BAR dated January 2017 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.



### 3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated January 2017 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated January 2017 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.